

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/7/20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


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	:	
MARIO PASSANTE,	:	
	:	
Plaintiff,	:	1:20-cv-4771-GHW
	:	
-against-	:	<u>ORDER</u>
	:	
LUZZO'S 211, LLC and MICHELE IULIANO,	:	
	:	
Defendants.	:	
	:	
-----	X	

GREGORY H. WOODS, District Judge:

The Court has received Defendant Luzzo's 221, LLC's ("Luzzo's") letter indicating that it has filed for Chapter 7 bankruptcy. Dkt. No. 10. The instant proceedings against Luzzo's are automatically stayed under 11 U.S.C. § 362(a)(1). Unless otherwise ordered by the Court, however, the proceedings against Michele Iuliano in this action are not stayed. *See Queenie, Ltd. v. Nygard Intern.*, 321 F.3d 282, 287 (2d Cir. 2003) ("[A] suit against a codefendant is not automatically stayed by the debtor's bankruptcy filing."); *Teachers Insurance and Annuity Ass'n v. Butler*, 803 F.2d 61, 65 (2d Cir. 1986) ("It is well-established that stays pursuant to § 362(a) are limited to debtors and do not encompass non-bankrupt co-defendants.").

SO ORDERED.

Dated: July 7, 2020


 GREGORY H. WOODS
 United States District Judge